

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

CEDRIC DUPREE,

Plaintiff,

v.

SYLVIA MAHONE (ASSISTANT WARDEN)
CALLIGAN, LT. HAVREY, 1 UNKNOWN DOCTOR
(AT DIXON C.C.), DR. FINN, PRACTITIONER /
NURSE COLGAN, 5 UNKNOWN DIXON TACTICAL
TEAM OFFICERS, JOE HARPER, DR. BAIG, ROGER
WALKER, JOYCE FRIEL, JOHN BIRKEL,
CHRISTINE BEASLEY, RICK CATION,

Defendants.

No. 08 C 50010

Honorable P. Michael Mahoney

MOTION TO WITHDRAW

1. On July 23, 2008, Kevin J. Luther of the law firm HEYL, ROYSTER, VOELKER & ALLEN was appointed to represent the Plaintiff Cedric Dupree in accordance with counsel's trial bar obligations under the District Court's Local Rule 83.37.

2. In the instant litigation, the Plaintiff is a prisoner claiming deliberate indifference to medical needs by treatment providers Dr. Finn and Nurse Colgan, among others.

3. That appointed counsel is a partner in the law firm of HEYL, ROYSTER, VOELKER & ALLEN, which presently represents Defendant Nurse Colgan in case 06 C 50146, 08 C 50024, 07 C 50209, 07 C 50018, and 07 C 50050, and Defendant Dr. Finn in case 07 CV 50240.

4. That the law firm of HEYL, ROYSTER, VOELKER & ALLEN, regularly provides legal representation to correctional medical professionals in defense of such deliberate indifference claims as made by Plaintiff here.

HEYL ROYSTER
VOELKER
& ALLEN

Second Floor
National City Bank
Building
120 West State Street
P.O. Box 1288
Rockford, IL 61105-1288
Fax (815) 963-0399

SGS/kmp

5. That the firm of HEYL, ROYSTER, VOELKER & ALLEN currently provides legal representation to correctional medical professionals in 100 different open cases where inmates have brought suit.

6. That providing legal representation to the Plaintiff in the instant litigation would cause great hardship to appointed counsel and his law firm as such legal representation would cause him to take legal positions adverse to the interests of present firm clients, including those named as Defendants in the instant litigation. The positions that appointed counsel would necessarily have to advocate for the effective representation of Plaintiff in the instant litigation would be contrary to and undermine the confidence of firm correctional medical clients facing similar allegations of medical misconduct.

7. That appointed counsel highly regards his trial bar obligations and asks only that he be excused from the representation of the Plaintiff in the instant litigation to avoid the associated hardship to himself and his firm, and that he instead be appointed a litigation not involving allegations of deliberate indifference to medical needs by correctional medical providers.

BY: s/ Kevin J. Luther
HEYL, ROYSTER, VOELKER & ALLEN
Kevin J. Luther
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PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all attorneys to the above cause via the CM/ECF System on the 4th day of August, 2008.

TO:

Cedric Dupree
Email: Prison1_ILND@ilnd.uscourts.gov

s/ Kevin J. Luther
Kevin J. Luther

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